



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7000 0600 0027 1155 2680

April 6, 2009

Mr. Lewis Pozzebon, Director
City of Vernon
Health and Environment Control Department
4305 Santa Fe Avenue
Vernon, California 90058

Dear Mr. Pozzebon:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of Vernon Health and Environment Control Department Certified Unified Program Agency (CUPA) on February 25 and 26, 2009. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City of Vernon Health and Environment Control Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on May 27, 2009.

Cal/EPA also noted during this evaluation that City of Vernon Health and Environment Control Department has worked to bring about a number of local program innovations, including the use of utility service termination as a formal enforcement tool. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Lewis Pozzebon
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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. Dan Downing
Chief Deputy Director
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Mr. Francis Mateo
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Mr. Mark Pear
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Mr. Lewis Pozzebon
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: City of Vernon Health and Environmental Control

Evaluation Date: February 25 - 26, 2009

EVALUATION TEAM

Cal/EPA: Kareem Taylor

Cal/EPA: Mary Wren-Wilson

SWRCB: Sean Farrow

CalEMA (formerly OES): Jeff Tkach

DTSC: Mark Pear

OSFM: Francis Mateo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not requiring UST facility owners/operators to complete the new Unified Program Consolidated Forms (UPCF's) A, B, and D when permits are renewed. The new forms became effective January 2008 as part of the California Code of Regulations Title 27 and Title 23 revisions.</p> <p>HSC, Chapter 6.7, Section 25286 (a); (SWRCB) CCR, Title 23, Section 2711 (a); and CCR, Title 27, Section 15185 (a)</p>	<p>By February 26, 2010, the CUPA will ensure that all UST facilities have submitted the new UST forms A, B, and D.</p> <p>Prior to conducting an annual UST inspection, the CUPA will review all paperwork submitted for the Permit to Operate and ensure that the tank and piping systems, and the monitoring methods used, are sufficiently described and are appropriate for the system. If the forms are incorrect, the CUPA will either correct the forms, or have the facility owner submit new forms with the correct information.</p>
2	<p>The CUPA failed to exercise a graduated series of enforcement for the following Class I violations:</p> <ul style="list-style-type: none">• The failure to cite United Colors of America on	<p>In the future, the CUPA will exercise a graduated series of enforcement on facilities cited for chronic and/or severe (Class 1) violations.</p>

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

	<p>06/09/2008 for the release of hydrogen peroxide to the environment, which precipitated a fire in a trash dumpster.</p> <ul style="list-style-type: none"> • The failure to cite U.S. Filter Recovery Services on 04/18/2006 for the illegal discharge of an oily/water mixture to the storm drain. <p>CCR, Title 27, Section 15200 (DTSC) HSC, Chapter 6.5, Section 25110.8.5 and 25117.6 CCR, Title 22, Section 66260.10 and E0-02-003-PP</p>	<p>The CUPA will refresh staff knowledge of the definitions of Class I, Class II and minor violations. A good tool for refresher training may include covering the Cal/EPA “Violation Classification Guidance Document for Unified Program Agencies,” which is available on the Cal/EPA website under Unified Program-Publications and Forms.</p> <p>By December 01, 2009, the CUPA will provide violation determination training to its inspectors.</p>
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CUPA Representative

Dan Downing
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** The CUPA does not classify violations as Class 1, Class 2, or minor in its inspection reports.

Recommendation: Cal/EPA recommends that the CUPA begin classifying violations as Class 1, Class 2, or minor on its inspection reports. The CUPA may modify its inspection report format to include checkbox columns where classifications may be recorded by inspectors. Documenting the violation classifications in this way will allow for better efficiency when violation data is entered into the CUPA's Envision data management system.

- 2. Observation:** The CUPA does not document owner/operator consent to inspect on inspection reports.

Recommendation: Cal/EPA recommends that the CUPA modify its inspection reports to include a section where an owner/operator may sign their consent to the inspection. With a new inspection report format, an inspector would be able to request that an owner/operator sign their consent to the inspection before the inspection is initiated. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility. This recommendation is based on the "Inspection Report Writing Guidance for UPA's". This document can be found at www.calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf.

- 3. Observation:** The CUPA fulfills its self audit requirement by completing the self audit guidance checklist, as well as, a narrative summary of the effectiveness of its activities. The narrative portion lacks the detail needed to give the reader a full and accurate account of the CUPA's inspection, enforcement, permitting, and single fee activities.

Recommendation: Incorporate additional language or text in the narrative self audit to more clearly depict the CUPA's activities performed during the reporting year, including details explaining data on the Annual Summary Reports.

- 4. Observation:** The CUPA's UST inspection report form is basic in nature. The inspection form does not fully reflect or address items to determine if all inspectors are determining whether the tank system(s) comply with the applicable requirements pursuant to Health and Safety Codes 25299.3, 25290.1, 25290.2, or 25291. The inspection form does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes during the annual compliance inspection.

Recommendation: The SWRCB recommends that the CUPA come up with a UST inspection form to help ensure that all of its inspections are consistent. The inspection checklist should allow an inspector to verify compliance of the following elements: tank, piping, sump, under-dispenser, overfill spill bucket, overfill prevention systems, audible/visual alarm, leak detection monitoring sensors, leak detection control panel, alarm history, tri-annual secondary containment testing, designator operator, employ training, record keeping, etc. The SWRCB also recommends that the CUPA provide a means for determining SOC compliance during inspections.

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

An inspection "Draft" form has been given to the CUPA. This form is not required to be used by the CUPA. It is an example/tool to help the CUPA perform complete and consistent inspections and help with the identification of SOC items that need to be reported to the SWRCB.

- 5. Observation:** The inspection reports reviewed lack a description of a facility's manufacturing process occurring on site.

Recommendation: The inspector should develop the observation section of the report in order to describe more fully the facility operations occurring on site so that anyone who reads the report may gain an understanding of the products made, services provided, and the industrial/manufacturing processes occurring at the facility.

- 6. Observation:** The inspector conducted an incomplete hazardous waste generator inspection. While the inspector asked for consent, brought a camera, and covered the entire facility grounds, he neglected to classify violations and to determine the hazardous waste generator status of the facility. The hazardous waste tracking database indicates only one EPA ID number for the site covering both divisions.

Recommendation: While the inspector demonstrated a good knowledge of the regulatory requirements applicable to the facility and a good relationship with facility personnel, staff should be reminded to ensure the completeness of inspections.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has conducted several outreach activities that benefit the regulated community and the public.
 - Awards have been issued to facilities that have excelled in waste reduction, solid waste minimization, and recycling. Hannibal Industries was presented with a City of Vernon Solid Waste Alternative Program award in 2007.
 - The CUPA holds 2 electronic waste events each year for Vernon's business community. During FY 2007/2008, nearly 41 tons of electronic waste was collected.
 - The City of Vernon conducts an annual art contest where local 5th grade students submitted their Used Motor Oil Recycling Calendar drawings for awards and prizes.
2. The CUPA implements utility service termination as a formal enforcement option. The CUPA terminates electrical and/or water services to certain businesses with recalcitrant or Class 1 violations. The CUPA also utilizes Red Tag and Civil enforcement options and is seeking to revise the City of Vernon's hazardous materials ordinance to include the Administrative Enforcement Order (AEO) option.
3. The City of Vernon CUPA has a complex interagency coordination and cooperation at the local level among the City Fire, Building, Public Works, Solid Waste, Stormwater, Food and Legal Departments. Coordination activities include one-stop permitting, a permitting and multi-media and multi-agency inspection process for new businesses applying for occupancy permits, CEQA/CUPA input opportunities, and interagency referrals among all city agencies.
4. The City of Vernon Fire Department is one of 24 cities in the nation that holds a Class I rating from the Insurance Services Office. It has a state of the art Hazmat unit and all of its personnel are fully trained to respond to industrial fires and hazardous materials incidents.
5. The City of Vernon CUPA Hazardous Materials Business Application Package provides several outstanding features for applicants to help businesses in submitting business plan and hazardous materials inventory information. The application package contains a list of Hazard Classes for Common Chemicals and gives examples of several common hazardous materials that list their fire code hazard classes and federal hazard categories. In addition, the package also consists of a section that lists Regulated Substances to help businesses determine if the chemicals they use or store are Federal or State Listed Extremely Hazardous Substances. Another feature is the Business Plan Contingency Plan section. This section provides vital information for emergency responders.